UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,403	11/13/2000	Kenneth Charles Cox	4366-67	7629

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EXAMINER
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ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td></tr>
<tr><td>09/711,403</td><td>COX ET AL.</td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 August 2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *50-92* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 8/16/2005 has been entered.

Response to Arguments

Applicant's arguments with respect to new claims 50-92 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 50-92 rejected under 35 U.S.C. 103(a) as being unpatentable over Sacerdoti

(submitted in PTO-892 on 1/16/2003), and further in view of Microsoft Office 2000 professional

edition (G. Courter; A. Marquis, dated 1999), hereinafter referred as an Office2000).

Claim 50.

Sacerdoti at col. 2, lines 3-13 discloses that data tuples may be supplied to computer

users in many formats, including, among others, real-time data feeds, databases (relational or

otherwise), flat files, and spreadsheets, and covers the following claim's limitation: "(a)

receiving a set of data values". At the same col. 2 discloses that users might be able to quickly

and easily discern correlations and trends as well as generate interesting graphics for business

presentations. That is similar to the following claim's limitation: "(b) generating a first graphical

image representative of the data values". Sacerdoti at col. 10, lines 7-13 discloses the variables

list 40, as indicated at block 76 the variables to be presented can be preset or the user can select

them, see following claim's limitation: "(c) selecting first and second data values on the first

graphical image, a first portion of the first graphical image being positioned between the selected

first and second data values." Sacerdoti in fig. 5 illustrates three data values (i.e. volume, price

and dept/equity).

Sacerdoti at col. 9, lines 45-52 discloses that the user can click on a graphics object 48 and move

the object 48. When a graphics object 48 is moved or otherwise has one of its attributes

changed, the system 10 simultaneously causes the underlying variable value in the database to be

changed appropriately. Thus, the user can change the database by manipulating the graphics

objects 48. "(d) editing the first portion of the first graphical image to produce a second graphical

image, wherein the first and second graphical images are different and wherein editing comprises

at least one of the following substeps: (Examiner's interpretation: It's obvious changing a portion

of a first graphical image resulted a different graphical image (Applicant referred as a second

graphical image), Applicant requires elaborating about the current claim's limitation), (c1)

repositioning at least one point on the first portion of the first graphical image using a user

manipulable affordance positioned on the first graphical image; and (c2) applying a user selected

first editing function to the first graphical image, the user selecting the first editing function from

among a plurality of predetermined editing functions". Sacerdoti at col. 9, lines 63-67 discloses

that portion of the system 10 see fig. 5, can be configured as a separate application to accept as

input the relevant variable values and animation controls, so that it can be operated

independently of the original data source. Sacerdoti at col. 3, lines 19-29, the program product

instructs a computing device to present, on the display, a variable list of at least some of the

variables. Also, the program on the program product includes presenting, on the display or

displays, a graphical list of at least some graphics attributes of at least one graphics object.

Moreover, the program includes permitting a user to correlate at least some of the variables to

respective graphics attributes, and presenting on the display the graphics object or objects, based

on the correlation of variables to graphics attributes. The graphics object or objects may be

displayed with the lists, see following claim's limitation: "(e) recalculating at least a portion of

the set of data values based on the second graphical image". Sacerdoti at col. 4, lines 40-48

discloses steps that receiving one or more user-generated inputs representative of respective one

or more variables, and accessing a set of electronically stored correlation rules (i.e. considered as

editing function; Examiner's comment: Applicant may specify the type of editing function in the

claim language). Also, the present computer steps include, based on the accessing and receiving

steps, automatically correlating at least some of the variables to respective graphics attributes.

Applicant claims recalculating at least a portion of the set of data values based on the second

graphical image, i.e. similar to what Sacerdoti discloses at col. 4, lines 46-47 the graphics object

or objects are then presented on the display, based on automatically correlating step. Examiner's

comment: an object or graphical must have a property, or a feature of the immediate

environment, that indicates how that object, graphical image or feature can be interfaced with.

Sacerdoti does not explicitly specify the plurality of editing functions include a plurality of a

Gaussian distribution, a Poisson distribution, a uniform editing function, a double ramp editing

function, and an exponential editing function, however, in fig. 10 step 124 and 132 illustrates

using Office2000 spreadsheet. The steps are obvious, because Office2000 covers a plurality of

the editing functions under main menu "Insert" then tab to "function", see pages 592-593. A

person skill in the art would have been written a customized formula in a cell of a spreadsheet

that links to rows or columns or both to display the results of data. Examiner's note: FYI... the

normal distribution is also called a Gaussian distribution. Thus, it would have been obvious to

one of ordinary skill in the art at the time of the invention to substitute applicant 's described

structure, with modification of a spreadsheet in Office2000 into Sacerdoti's invention in order to

apply various editing functions to selected variable and editing range.

Examiner's note: the rejections for the repeated claims are not shown, see below.

Claims 51, 66 and 80.

The method of claim 50, wherein the set of data values is a table and wherein the table

includes a plurality of measurements of a parameter and wherein the parameter has a time

varying value. The step of the set of data values is obvious because Sacerdoti at col. 2, lines 3-7

teaches the options.

Claims 52, 67 and 81.

The method of claim 51, wherein the table is used to simulate a worktlow process. The

step is obvious because that is one of the functions of using a table. Examiner's comment:

Applicant may emphasis the type of workflow process.

Claims 53, 68 and 82.

The method of claim 50, further comprising: (f) displaying a value associated with a

specified location on at least one of the first and second graphical images in response to the user

positioning a cursor over the specified location, wherein the value is displayed in the vicinity of

the cursor. The step is not clear. Applicant should provide better claim language to represent the

claim invention clearer. Because, the value has to be associated with a specific location on the

display. The last sentence does not provide enough weight to represent the significant of the

vicinity of the cursor.

Claims 54-55, 69-70 and 83-84.

Sacerdoti in fig. 13 illustrates the following limitation. The method of claim 50, wherein

each of the first and second graphical images is a strip chart.

Claims 56, 71 and 85.

Sacerdoti in col. 13, lines 20-23 that Real time data input, e.g., from a scientific

instrument, can also be used. See following limitation: The method of claim 54, wherein the first

and second graphical images comprise a time-series of values associated with comparable

measures.

Claims 57, 72 and 86.

The method of claim 50, wherein the set of data values is in the form of a plurality of

cells, each cell containing a data value. The step is obvious, *id.*

Claims 58, 73 and 87.

See rejection of claim 50 that applies to the following claim's invention: The method of

claim 50, wherein substep (c1) is performed.

Claims 59, 74 and 88.

Sacerdoti at col. 3, lines 42-45 discloses in one embodiment, clicking and dragging a

database variable from the variable list onto a graphics attribute in the graphical list. See

following step: The method of claim 58, wherein the affordance is repositioned using a click-and-drag operation.

Claims 60, 75 and 89.

Sacerdoti in fig. 7 step 98 and 100 illustrates the step of the following claim invention: The method of claim 58, wherein, when the user selects a first mode, a plurality of affordances are displayed on the first graphical image.

Claims 61, 76 and 90.

See rejection 50 for the method of claim 50, wherein substep (c2) is performed.

Claims 62, 77 and 91.

Sacerdoti in fig. 4, illustrates a dialog box 44, wherein a representation of each of the plurality of editing functions is displayed with the first graphical image in one or more dialog boxes.

Claims 63, 78 and 92.

The following steps are obvious, because Office2000 covers a plurality of the editing functions under main menu "Insert" then tab to "function". A person skill in the art would have been written a customized formula in a cell of a spreadsheet that links to rows or columns or both to display the results. The method of claim 61, wherein the plurality of editing functions include a plurality of a normal distribution, a Gaussian distribution, a Poisson distribution, a uniform editing function, a double ramp editing function, and an exponential editing function.

Claim 64.

A computer readable medium comprising processor executable instructions to perform

the steps of claim 50. The step is obvious and very broad, Applicant should emphasize in type of

instructions.

Claims 65 and 79.

The rejection of claim 50 applies to the rejection of claims 65 and 79.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of

the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art

of record in the next Office action if they had been entered in the application prior to entry under

37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action

after the filing of a request for continued examination and the submission under 37 CFR 1.114.

See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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JEFFERY BRIER
PRIMARY EXAMINER